



U.S. Department of Justice

Office of Legislative Affairs

Assistant Attorney General

Washington, D.C. 20530

November 9, 2009

The Honorable Peter T. King
Ranking Minority Member
Committee on Homeland Security
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman King:

This responds to your letter, dated April 23, 2009, to the Attorney General, which raises a number of very important points. We apologize for the delay in responding. We are sending an identical response to the other Members who joined in your letter.

We appreciate your interest in this important matter and regret that the ongoing review of the status of the Guantánamo detainees currently precludes a comprehensive response to the questions set forth in your letter. As you know, Executive Orders 13492 and 13493 established interagency task forces to review the status and proposed disposition of detainees held at the Guantánamo Bay Naval Base, and to conduct a comprehensive review of the lawful options available to the federal government for the detention, trial, or other disposition of such detainees and others who might be apprehended in the future. In particular, Executive Order 13492 directs a review of "legal, logistical, and security issues related to the potential transfer of individuals currently detained at Guantánamo to facilities within the United States." The Department, and other departments and agencies on the task force and review panel implementing Executive Order 13492, fully appreciate the significance and complexity of the issues arising from its implementation. While this process is ongoing, the Attorney General stated in a hearing before the House Judiciary Committee on May 14, 2009, "We will not release anybody into the United States that we think would pose a danger to the American people."

You have asked about the process by which detainees will be transferred from Guantánamo Bay Naval Base and expressed safety concerns regarding any efforts to relocate them outside of Guantánamo. At the outset, we note that the conference report on the Supplemental Appropriations bill limits the circumstances under which individuals detained at Guantánamo may be transferred to the United States or elsewhere. Section 14103 of the conference report precludes the release of Guantánamo detainees into the United States for any reason, and places conditions on the transfer of detainees to the United States for prosecution. Moreover, the legislation establishes reporting requirements pursuant to which the Executive Branch will provide specified reports and information to Congress before further transfers of individuals from the Guantánamo detention facility. The first report was delivered to House and Senate leadership on August 24, 2009.

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We hope this information is helpful. Please do not hesitate to contact this office if we may be of assistance with this, or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Weich". The signature is fluid and cursive, with the first name "Ronald" written in a larger, more prominent script than the last name "Weich".

Ronald Weich
Assistant Attorney General